

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20706

MARTIN TUCKER,

Defendant.

/

**ORDER DENYING DEFENDANT'S SECOND MOTION TO REVOKE ORDER OF
DETENTION**

On August 10, 2012, Defendant filed his first motion seeking revocation of the magistrate judge's order that he be detained pending trial. The Government responded in opposition, the court held a hearing, and the court found that the Defendant could not overcome the statutory presumption that no condition or combination of conditions would reasonably assure the safety of the community. See 18 U.S.C. § 3142(e)(1), (3)(B). The court denied the motion.

Defendant now presents his second motion seeking the same relief, pointing to the apparent fact that the copy of a certain preliminary lab report affidavit presented to Defendant was unsigned. Defendant argues that if the affidavit was unsigned, he should be released pending trial even though an admittedly valid Indictment governs the case now. The court is not persuaded.

IT IS ORDERED that Defendant's second Motion to Revoke Detention Order [Dkt. # 56] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 19, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 19, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522